

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON JANUARY 12, 2009, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Bonnie Feigenbaum, Clifford Borden, Leon Elfassy, Michael Goldwax and David Sternthal, forming a quorum with Mayor Steinberg presiding

ABSENT: Councillor Abraham Gonshor

ALSO PRESENT: Mr. Richard Sun, Director General and Me Chantal Bergeron, Town Clerk acting as Secretary of the Meeting

FIRST QUESTION PERIOD

The Mayor invites the persons in attendance to ask their questions.

2009-001

ADOPTION OF THE AGENDA

On motion of Councillor Feigenbaum, seconded by Councillor Elfassy, it was UNANIMOUSLY RESOLVED:

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following item under "COUNCIL":

4.2. Council's objection to the Adoption of Agglomeration By-law RCG 08-051 concerning the Aliquot Shares.

Adopted

2009-002

ADOPTION OF THE MINUTES

On motion of Councillor Borden, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the Minutes of the Regular Council Meeting of December 3, 2008, of the Special Budget Meeting of December 18, 2008 and of the Special Council Meeting of December 18, 2008 be and are hereby approved as submitted.

Adopted

2009-003

REQUEST TO MOVE GENERAL MUNICIPAL ELECTIONS FROM NOVEMBER 1ST, 2009 TO NOVEMBER 8TH, 2009

WHEREAS the next general municipal elections are scheduled for November 1st, 2009;

WHEREAS the night before the polling day, we will switch from Daylight Saving Time to the Local Standard Time and there is a risk that this will create some confusion both for the electors and for the electoral staff, the candidates and their representatives and so affect the vote;

WHEREAS, furthermore, Halloween precedes the polling day and several rooms and community centres in municipalities will be used for this occasion. This will affect access to these places for the preparation of the polling stations;

WHEREAS the time change as well as Halloween could also affect the participation of the citizens in the general election of their municipality;

It was proposed by Councillor Feigenbaum, seconded by Councillor Goldwax and UNANIMOUSLY RESOLVED:

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- THAT the Hampstead Town Council requests that the Minister of Municipal Affairs and Regions, Nathalie Normandeau, move the polling date of the general municipal elections from November 1st, 2009 to November 8th, 2009;
- THAT a copy of this resolution be sent to the Directeur général des élections du Québec, Quebec Union of Municipalities, municipalities of the Montreal Metropolitan Community and the MNA for D'Arcy McGee, Lawrence Bergman.

Adopted

2009-004

COUNCIL'S OBJECTION TO THE ADOPTION OF AGGLOMERATION BY-LAW RCG 08-051 CONCERNING THE ALIQOT SHARES

Whereas on June 12, 2008, the Mayors of the suburban cities willingly signed their names, along with the Mayor of Montreal and the Minister of Municipal Affairs and Regions, to an entente that resulted in the adoption of Bill 22;

Whereas with the signing of the entente and subsequent adoption of Bill 22 there was the acceptance of all parties involved that these arrangements were concluded on the basis of fiscal neutrality, as explained by the Minister in her press conference on June 20, 2008, such that:

- approximately \$110 million in costs would be removed from the Agglomeration budget; and
- such reduction in the Agglomeration budget would result in approximately \$30 million in tax relief in the 2009 budget in the combined aliquot shares that would be borne by the residents of the suburban cities; and
- the City of Montreal would receive financial compensation of \$25 million in 2009 and subsequent years to ensure fiscal neutrality in these arrangements for the central city; and
- the suburban cities would have additional costs transferred to them as well, such as for arterial roads, which offset the said reduction in their aliquot shares and thus effect fiscal neutrality for them as well;

Whereas the *Act respecting the exercise of certain municipal powers in certain urban agglomerations* (R.S.Q., c. E-20.001) introduced the notion of 'aliquot shares' that would clearly define the process for establishing the annual contributions and conditions for their payment by all related municipalities, all as contained within the text of section 118.81 of the said Act;

Whereas the text of said section authorizes and obligates the Agglomeration Council to adopt a by-law that will "...prescribe the manner in which the aliquot shares and their payment by the related municipalities are determined." to ensure transparency in the 2009 budget process;

Whereas the text clearly obliges the central city to include in the by-law the **manner** in which the aliquot shares were determined;

Whereas the City of Montreal unilaterally prepared the 2009 Agglomeration budget that includes some \$100 million in additional and unsubstantiated costs that totally negated any anticipated tax reductions for the demerged cities in 2009;

Whereas the City of Montreal was solely responsible for the drafting of By-law RCG 08-051 (Règlement établissant les modalités de paiement des quotes-parts par les municipalités liées (exercice financier de 2009) and did not consult with the suburban cities as to the final text of said by-law;

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Whereas in the drafting of this by-law, the City of Montreal intentionally and deliberately omitted to include any reference on details as to the “manner in which the aliquot shares were determined”;

Whereas the aliquot shares, as determined by the City of Montreal, do not respect the spirit or the conditions of the Act, nor the conditions and expectations of the entente signed by all parties on June 12, 2008; and

Whereas such disregard of the provisions of the Act and the entente also constitutes a contravention of Article 26 of Bill 22, which provides that « Tout membre du conseil d’agglomération doit, dans l’exercice de ses fonctions, tenir compte de l’intérêt des citoyens de l’ensemble de l’agglomération. »;

It was proposed by Councillor Feigenbaum, seconded by Councillor Sternthal and UNANIMOUSLY RESOLVED:

- THAT the Town Council of Hampstead be authorized to appeal to the Minister of Municipal Affairs and Regions the adoption of Agglomeration By-law RCG 08-051 and demand that the Minister order the City of Montreal to prepare a new by-law which prescribes aliquot shares that respect the conditions of the Act and the entente of June 12th, 2008; and
- That copies of this resolution be sent to the Minister of Municipal Affairs and Regions, to the Commission municipale du Québec, the City of Montreal and to the other related municipalities of the Montreal Agglomeration.

Adopted

2009-005

ADOPTION – BY-LAW N° 694-5 FURTHER AMENDING BY-LAW N° 694 CONCERNING TRAFFIC - RE: ANNEX A – TRAFFIC SIGNS

WHEREAS the Members of Council have received, within the delay, a copy of By-law N° 694-5 further amending By-law N° 694 and declare to have read it;

It was proposed by Councillor Borden, seconded by Councillor Goldwax and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 694-5 to be entitled: “By-law further amending By-law N° 694 concerning Traffic – Re: Annex A - Traffic Signs”.

Adopted

2009-006

NOTICE OF MOTION – BY-LAW N° 769 – LOAN FOR THE ACQUISITION OF RECYCLING WHEELED BINS

NOTICE OF MOTION was given by Councillor Goldwax, that, at a subsequent meeting of Council, By-law N° 769, authorizing a loan to finance the costs of acquisition of recycling wheeled bins will be submitted to Council for adoption.

All Council members have received a copy of Loan By-law N° 769 and a motion to dispense with the reading of the said by-law was made.

2009-007

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIA) – 185 HARLAND ROAD

It was proposed by Councillor Sternthal, seconded by Councillor Goldwax and resolved to defer this item to a subsequent council meeting.

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Mayor William Steinberg called for a vote.

Voted in favour:

Councillor Goldwax
Councillor Sternthal

Voted against:

Councillor Borden
Councillor Elfassy
Councillor Feigenbaum

In favour: 2

Against: 3

Rejected

RECESS

The Mayor proposed and it was unanimously resolved to recess the Meeting.

The Mayor proposed and it was unanimously resolved to resume the Meeting. Councillors Feigenbaum, Borden, Elfassy, Goldwax and Sternthal continued to form a quorum with Mayor Steinberg presiding.

2009-008

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 185 HARLAND ROAD

On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations to demolish the existing roof and add a new 2nd storey to a detached single family dwelling at 185 Harland Road** submitted to the Planning Advisory Committee meeting of December 8, 2008, is **approved**, according to the provisions of Chapter 12 of the Zoning By-law No 727 and as recommended by the PAC.

Mayor William Steinberg called for a vote.

Voted in favour:

Councillor Borden
Councillor Elfassy
Councillor Goldwax
Councillor Feigenbaum

Voted against:

Councillor Sternthal

In favour: 4

Against: 1

Adopted on Division

2009-009

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 13 HOLLY ROAD

On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for an attic addition to a detached single family dwelling at 13 Holly Road** submitted to the Planning Advisory Committee meeting of December 8, 2008, is **not approved** according to the provisions of Chapter 12 of the Zoning By-law N^o 727 and as recommended by the PAC.

Adopted

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2009-010

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 62 HEATH PLACE

On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition to a detached single family dwelling at 62 Heath Place** submitted to the Planning Advisory Committee meeting of December 8, 2008, is **approved** according to the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2009-011

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 18 GLENMORE ROAD

On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition to a detached single family dwelling at 18 Glenmore Road** submitted to the Planning Advisory Committee meeting of December 8, 2008, is **not approved** according to the provisions of Chapter 12 of the Zoning By-law N° 727 and as recommended by the PAC.

Adopted

2009-012

URBAN PLANNING AND BUILDING INSPECTIONS – SITE PLANNING PROJECTS AND ARCHITECTURAL INTEGRATION PROGRAMS (PIIA) – 71 MERTON ROAD

On motion of Councillor Elfassy, seconded by Councillor Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations to modify the previous approved design for a detached single family dwelling at 71 Merton Road** submitted to the Planning Advisory Committee meeting of December 8, 2008, is **approved**, according to the provisions of Chapter 12 of Zoning By-law N° 727 and as recommended by the PAC.

Adopted

Intervention of interested persons concerning request for minor exemption at 185 Harland Road:

Mrs. Robinson - 182 Finchley Road: Pointed out that the Council is not allowed to approve this minor exemption because the applicants did not prove that the application of the By-law causes them a serious prejudice.

RECESS

The Mayor proposed and it was unanimously resolved to recess the Meeting.

The Mayor proposed and it was unanimously resolved to resume the Meeting. Councillors Feigenbaum, Borden, Elfassy, Goldwax and Sternthal continued to form a quorum with Mayor Steinberg presiding.

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2009-013

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 185 HARLAND ROAD

WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 185 Harland Road, lot 2089170, to permit the existing left side setback to be 2.53 meters (8.3 feet) instead of the required minimum allowable of 2.74 meters (9.0 feet) and to permit the existing right side setback to be 2.28 meters (7.5 feet) instead of the required minimum allowable of 2.74 meters (9.0 feet), in accordance with the provisions of article 6.3 of Zoning By-law N° 727;

WHEREAS the Planning Advisory Committee, at its meeting held on December 8, 2008, recommended to approve the aforementioned request for minor exemption;

On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was **RESOLVED**:

- THAT the aforementioned request for minor exemption for the property located at 185 Harland Road, lot 2089170, is **approved**.

Mayor Steinberg called for a vote.

Voted in favour:

Councillor Elfassy
Councillor Feigenbaum
Councillor Borden
Councillor Goldwax

In favour: 4

Voted against:

Councillor Sternthal

Against: 1

Adopted on Division

2009-014

REQUEST FOR MINOR EXEMPTION - PROPERTY LOCATED AT 62 HEATH PLACE

WHEREAS the members of Council have reviewed the request for minor exemption of the property located at 62 Heath Place, lot 2090391, to permit the rear setback to be 23'-9" (7.24m) instead of 26'-9" (8.15m), in accordance with the provisions of article 6.4 of Zoning By-law N° 727;

WHEREAS the Planning Advisory Committee, at its meeting held on December 8, 2008, recommended to approve the aforementioned request for minor exemption;

On motion of Councillor Elfassy, seconded by Councillor Feigenbaum, it was **UNANIMOUSLY RESOLVED**:

- THAT the aforementioned request for minor exemption for the property located at 62 Heath Place, lot 2090391, is **approved**.

Adopted

2009-015

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF DECEMBER 2008

WHEREAS Council reviewed the list of payments for the month of December 2008;

Council discussed the matter and, on motion of Councillor Borden, seconded by Councillor Elfassy, it was **UNANIMOUSLY RESOLVED**:

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- THAT the disbursements for the period from December 1 to December 31, 2008, in the amount of \$551,403.80, are hereby approved.

Adopted

2009-016

PAYMENT OF FIRST INSTALMENT OF HAMPSTEAD'S SHARE TO THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL FOR 2009

On motion of Councillor Borden, seconded by Councillor Elfassy, it was RESOLVED:

- THAT the Town of Hampstead pays the first instalment, in the amount of \$108,134.01 for their share for 2009, to the 'Communauté métropolitaine de Montréal'.

Mayor William Steinberg called for a vote.

Voted in favour:

Councillor Borden
Councillor Elfassy
Councillor Sternthal

In favour: 3

Voted against:

Councillor Feigenbaum
Councillor Goldwax

Against: 2

Adopted on Division

2009-017

GRANTING OF CONTRACT – PURCHASE OF ANNUAL FLOWERS FOR 2009

WHEREAS there has been a call for tenders, by way of written invitation, for the supply of flowers for year 2009;

WHEREAS, after analysing the tenders opened on December 15, 2008, the lowest bidder conforming to the requirements of the tender invitation is Les Serres Riel inc; and

On motion of Councillor Goldwax, seconded by Councillor Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT, as recommended by the Division Chief of Purchasing, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

LES SERRES RIEL INC

Supply of annual flowers year 2009 (as per quotation specifications)	\$ 10,287.00
G.S.T. 5%	\$ 514.35
Q.S.T. 7.5%	\$ 810.11

GRAND TOTAL **\$ 11,611.46**

- THAT Treasurer's certificate N° 09-001, dated December 18, 2008, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

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2009-018

GRANTING OF CONTRACT –SUPPLY, DISTRIBUTION AND MAINTENANCE OF RECYCLING WHEELED BINS

WHEREAS the reconstituted cities mandated the City of Dollard-des-Ormeaux, by resolution, to proceed with a common call for tenders for the group purchase for the supply, distribution and maintenance of recycling wheeled bins;

WHEREAS a call for public tenders was published in La Presse and by means of the electronic tendering system SÉAO on December 1, 2008 for the group purchase for the supply, distribution and maintenance of recycling wheeled bins, on the territories of the following cities: Baie-d'Urfé, Beaconsfield, Côte-Saint-Luc, Dollard-des-Ormeaux, Dorval, Hampstead, Kirkland, Montréal-Est, Montréal-Ouest, Mont-Royal, Pointe-Claire, Sainte-Anne-de-Bellevue, Senneville et Westmount ;

WHEREAS the following tenders were received and opened publicly on December 15, 2008 at 11:00 a.m.:

Soumissionnaire	Coût total de la soumission (toutes taxes comprises)
IPL inc.	4 231 000,86 \$
Nova Envirocom inc.	(soumission non conforme)

WHEREAS the tenders were verified by the coordinating committee being: Stéphane Beaudoin, City of Dorval, Ginette Leclair, City of Sainte-Anne-de-Bellevue, Anna Polito and Stéphanie Roy of the City of Dollard-des-Ormeaux;

WHEREAS the bidder IPL inc. complies to the tender documents specifications:

WHEREAS the treasurer's certificate N° 09-002 dated December 23, 2008, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses

On motion of Councillor Feigenbaum, seconded by Councillor Goldwax, it was UNANIMOUSLY RESOLVED:

- THAT the lowest offer made by IPL inc., for an amount not in excess of \$160 000 (including taxes), be accepted for the group purchase for the supply, distribution and maintenance of recycling wheeled bins for the Town of Hampstead on the condition that Section 2.5 of the special specifications be fulfilled, which section reads as follows :
 - «2.5 Sous réserve de ce qui est stipulé à l'article 17 du Cahier des charges générales, un soumissionnaire et les Villes participantes seront liés par une soumission du soumissionnaire uniquement si et lorsque les conditions suivantes sont respectées :
 - i. si la quantité approximative totale d'unités équivaut à un minimum de 65 % du nombre d'unités indiqué à l'annexe « A »; et
 - ii. lorsque le nombre de résolutions acceptant la soumission du soumissionnaire auront été adoptées par un nombre de Villes participantes suffisant pour respecter le critère mentionné à i. »

Adopted

2009-019

APPROVAL – SETTLEMENT OF GRIEVANCES (Blue collar workers)

CONSIDERING THAT many grievances were either outstanding or in dispute;

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CONSIDERING THAT the Town of Hampstead and the “Le Syndicat des cols bleus regroupés de Montréal, SCFP-Local 301” have negotiated a satisfactory settlement of nine of the outstanding grievances;

It was proposed by Councillor Goldwax, seconded by Councillor Feigenbaum and UNANIMOUSLY RESOLVED:

- TO ratify the settlements arrived to by the Town of Hampstead with “Le Syndicat des cols bleus regroupés de Montréal (SCFP-local 301) on November 21, 2008.

Adopted

2009-020

DESIGNATION OF AUTHORIZED SIGNATORIES UNDER THE DELEGATION OF POWER BY THE PENSION COMMITTEE OF THE PENSION PLAN OF THE EMPLOYEES OF THE TOWN OF HAMPSTEAD

WHEREAS the Pension Committee of the Pension Plan of the Employees of the Town of Hampstead and the Town of Hampstead have signed a delegation of power agreement in favour of the Town of Hampstead;

WHEREAS Council has appointed Great West Life Insurance Company to provide investment management services (including the role of pension fund custodian) for the Pension Plan;

WHEREAS it is imperative that the delegatee (Town of Hampstead) designates persons authorized to sign any and all documents necessary for the execution of the delegation of power agreement or any future delegation agreement to be entered into;

It was proposed by Councillor Borden, seconded by Councillor Feigenbaum and UNANIMOUSLY RESOLVED:

- THAT the preamble is an integral part of the present resolution; and
- TO DESIGNATE the Director of Human Resources, the Director General and the Town Council member appointed on the Pension Committee by the Town Council, as authorized signatories to sign any and all documents, it being understood that two signatures are necessary at all times.

Adopted

SECOND QUESTION PERIOD

The Mayor invites the persons in attendance to ask their questions.

2009-021

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Sternthal and unanimously resolved to declare the meeting closed.

Adopted

Dr. William Steinberg, Mayor

Me Chantal Bergeron, Town Clerk